

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LANCE CLAUDIO MIGLIACCIO §
VS. § CIVIL ACTION NO. 1:11cv449
M. MARTIN §

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Lance Claudio Migliaccio filed the above-styled civil rights lawsuit. The court referred the matter to the Honorable Zack Hawthorn, United States Magistrate Judge. The magistrate judge has submitted a Report and Recommendation recommending this lawsuit be dismissed as frivolous and for failure to state a claim upon which relief may be granted. However, plaintiff subsequently filed a motion requesting that this action be dismissed. Pursuant to Federal Rule of Civil Procedure 41(a), plaintiff is entitled to voluntarily dismiss his claims prior to the service of any adverse parties.

ORDER

Accordingly, plaintiff's motion for voluntary dismissal is **GRANTED**. The report of the magistrate judge is **ADOPTED** to the extent it recommends dismissal of this action. A final judgment will be entered dismissing this lawsuit.

So **ORDERED** and **SIGNED** this **21** day of **November, 2011**.



Ron Clark, United States District Judge